

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 15, 2011

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 15, 2011

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Pastor Keith A. Ratliff, Sr. of the Maple Street Baptist Church in Des Moines, Iowa. He was the guest of Senator McKinley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Monday, February 14, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Beth Townsend, the governor's appointee to be the Director of the Iowa State Civil Rights Commission. She was the guest of Senator Jochum and the committee on Judiciary.

The Secretary of the Senate introduced David Lingren, the governor's appointee to be the Executive Director of the Iowa Telecommunications and Technology Commission. He was the guest of Senators Wilhelm and Feenstra and the committee on Commerce.

The Secretary of the Senate introduced Debi Durham, the governor's appointee to be the Director of the Department of Economic Development. She was the guest of Senators Soddors and Greiner and the committee on Economic Growth/Rebuild Iowa.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 209** be referred, under Rule 38, from the Ways and Means Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:29 a.m. until 9:00 a.m., Wednesday, February 16, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

David and Linda Brill, Burlington—For celebrating their 25th wedding anniversary. Senator Courtney (2/15/11).

Maurice and Kay Helt, West Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (2/15/11).

Donald and Linda Norton, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/15/11).

Marcie Noss, Burlington—For celebrating her 90th birthday. Senator Courtney (2/15/11).

Vimilee and Erna Riney, Burlington—For celebrating their 50th wedding anniversary. Senator Courtney (2/15/11).

Jeff Van Schepen, Hull—For his firefighting efforts above and beyond the call of duty. Senator Feenstra (2/15/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, February 15, 2011, 11:40 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Dix and Hatch (both excused).

Committee Business: Passed [SF 209](#). Presentation by the Mayor of Cedar Rapids.

Adjourned: 12:35 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 15, 2011, 2:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm.

Members Absent: Hatch (excused).

Committee Business: Passed [SF 178](#). Approved governor's appointee. Presentation by the Department of Cultural Affairs.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 15, 2011, 3:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Jochum, Johnson, Quirmbach, and Whitver.

Members Absent: Hatch (excused).

Committee Business: Passed SFs 126 and 152. Passed [SF 103](#), as amended. Approved governor's appointees.

Adjourned: 3:35 p.m.

LOCAL GOVERNMENT

Convened: Tuesday, February 15, 2011, 1:05 p.m.

Members Present: Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirmbach, Rielly, and Schoenjahn.

Members Absent: Hamerlinck and McCoy (both excused).

Committee Business: Presentation on Cedar Rapids flood prevention.

Adjourned: 1:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 15, 2011, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: Hamerlinck (excused).

Committee Business: Approved governor's appointees. Presentations on climate trends.

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Jochum, Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: Danielson, Vice Chair (excused).

Committee Business: Presentations by the Division of Banking and the Department of Revenue.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

Members Absent: Hamerlinck (excused).

Committee Business: Presentations by Area Education Agencies.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 15, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Tuesday, February 15, 2011, 10:05 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentations by the Department of Natural Resources Flood Plain Management Program, the Iowa Flood Center, and the State Housing Trust Fund.

Adjourned: 11:15 a.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 14, by Ward, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to a guarantee to vote a secret ballot for representation by a labor organization.

Read first time under Rule 28 and referred to committee on **State Government**.

INTRODUCTION OF BILLS

Senate File 210, by Ward, Sorenson, Bartz, Johnson, Chelgren, Greiner, Bacon, Boettger, Zaun, Kettering, Anderson, Bertrand, Ernst, Hahn, Feenstra, and Kapucian, a bill for an act creating the transparency in private attorney contracts Act.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 211, by Ward, a bill for an act authorizing a retrieval fee for copies of certain medical records or reports in workers' compensation cases.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 212, by Ward, Sorenson, Johnson, Chelgren, Greiner, Bacon, Boettger, Zaun, Kettering, Anderson, Bertrand, Ernst, Hahn, Feenstra, Kapucian, and Smith, a bill for an act concerning private sector employee drug testing.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 213, by Seng, Johnson, Rielly, Hancock, Horn, Fraise, Kibbie, Hatch, Dotzler, Hamerlinck, Houser, Sorenson, Soddors, Bertrand, Boettger, Bartz, Kapucian, Feenstra, Zaun, Bacon, Black, Gronstal, Seymour, Kettering, Beall, Danielson, Anderson, Bolkcom, Courtney, Schoenjahn, Ernst, Chelgren, Smith, and Jochum, a bill for an act appropriating moneys for tourism marketing and promotion to the department of economic development.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 214, by Hogg, a bill for an act relating to criminal offenses, including the definition of reckless in the criminal code, restrictions on the operation of a motor vehicle, forfeiture for certain offenses, and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

Senate File 215, by Feenstra, a bill for an act exempting certain part-time employees from participation in the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 216, by Feenstra, a bill for an act prohibiting government agencies and officials from collecting dues on behalf of labor unions and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 217, by Feenstra, a bill for an act prohibiting public employers from deducting membership dues for employment organizations from wages or salaries of public employees receiving health care benefits and prohibiting state employees from electing or renewing such deductions and including applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 218, by Feenstra, a bill for an act exempting certain part-time employees of the department of public health or the department of human services from participation in the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 219, by Bartz, a bill for an act providing for special deer hunting licenses for certain nonresident landowners and providing penalties and an appropriation.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 220, by McKinley, a bill for an act providing for a creativity and innovation task force.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 221, by McKinley, a bill for an act repealing a requirement that taxpayers indicate on their tax returns the presence or absence of health care coverage for their dependent children and apply for certain public health care coverage, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 222, by McKinley, a bill for an act relating to the establishment, funding, and bonding authority of public charter schools and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 223, by Dix, Sorenson, Feenstra, Hahn, Hamerlinck, Ernst, Bertrand, Anderson, Boettger, Smith, Greiner, Kapucian, Chelgren, Johnson, Bartz, Ward, Seymour, Houser, Behn, McKinley, Kettering, Zaun, and Bacon, a bill for an act relating to the imposition of a hiring freeze for state departments and establishments and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 224, by Dix, Zaun, Kettering, Johnson, Sorenson, Houser, Seymour, Behn, McKinley, Boettger, Bacon, Greiner, Chelgren, Kapucian, Feenstra, Hahn, Anderson, Bertrand, Hamerlinck, Smith, Ward, and Ernst, a bill for an act reducing the individual income tax rates and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 225, by Beall, Bolkcom, Hogg, Houser, and Kibbie, a bill for an act relating to alternate and renewable energy production by establishing an alternate and renewable energy incentive program applicable to alternate energy production facilities under specified circumstances.

Read first time under Rule 28 and referred to committee on **Commerce**.

STUDY BILLS RECEIVED

SSB 1116 Economic Growth

Relating to the administration of the enterprise zones program by the department of economic development.

SSB 1117 Transportation

Relating to railroads including hit-and-run motor vehicle accidents involving a train and investigations of railroad crossing violations, and providing penalties.

SSB 1118 Transportation

Relating to coordination of construction and installation projects between the department of transportation and fiberoptic cable providers.

SSB 1119 Transportation

Relating to the issuance of a restricted dealer license for the sale of certain motor vehicles.

SUBCOMMITTEE ASSIGNMENTS

Senate File 189

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and McCoy

Senate File 196

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and McCoy

Senate File 209

APPROPRIATIONS: Jochum, Chair; Dix and Dvorsky

Senate File 211

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Ward

Senate File 212

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Ward

SSB 1116

ECONOMIC GROWTH/REBUILD IOWA: Wilhelm, Chair; Bertrand and Rielly

SSB 1117

TRANSPORTATION: Beall, Chair; Hahn and McCoy

SSB 1118

TRANSPORTATION: Rielly, Chair; Danielson and Houser

SSB 1119

TRANSPORTATION: Rielly, Chair; Danielson and Zaun

FINAL COMMITTEE REPORT OF BILL ACTION**APPROPRIATIONS**

Bill Title: [SENATE FILE 209](#), a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-3010](#).

Final Vote: Ayes, 18: Dvorsky, McCoy, Kettering, Bartz, Black, Boettger, Bolkom, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 3: Danielson, Dix, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Judith Bevers – Commission on Aging
Ralph Wolf – Commission on Aging

Erik Oostenink – Board of Behavioral Science

Aida Bogaczyk – Commission of Persons with Disabilities
Barbara Faber – Commission of Persons with Disabilities

Michelle Ray-Michalec – Commission of Persons with Disabilities
James Rixner – Commission of Persons with Disabilities
Gary Schriver – Commission of Persons with Disabilities
Harry Van Grevenhof – Commission of Persons with Disabilities
LaSheila Yates – Commission of Persons with Disabilities

Sal Alaniz – Commission of Latino Affairs
Ramon Cantu – Commission of Latino Affairs
Joan Jaimes – Commission of Latino Affairs
Paula Martinez – Commission of Latino Affairs
Sandra Sanchez-Naert – Commission of Latino Affairs

Laurel Phipps – Mental Health and Disabilities Services Commission

NATURAL RESOURCES AND ENVIRONMENT

Diana Bruemmer – Environmental Protection Commission
John Glenn – Environmental Protection Commission

Dawn Carlson – Iowa Comprehensive Petroleum Underground Storage Tank Fund
Board

Carol Balvanz – Renewable Fuel Infrastructure Board

GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

HUMAN RESOURCES

Donna Harvey – Director of the Department on Aging

NATURAL RESOURCES AND ENVIRONMENT

Roger Lande – Director of the Department of Natural Resources

AMENDMENT FILED

S-3010 S.F. 209 Appropriations